

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

**In re: CIRCUIT CITY STORES, INC., et al.,
Debtors.**

**Case No. 08-35653-KRH
Chapter 11
(Jointly Administered)**

**ALFRED H. SIEGEL, Trustee of the
Circuit City Stores, Inc. Liquidating Trust,**

Plaintiff,

v.

Adv. Pro. No. 19-03091-KRH

**UNITED STATES TRUSTEE PROGRAM, et al.,
Defendants.**

ORDER TO SHOW CAUSE

On August 30, 2022, the Court conducted a pre-trial conference (the “Pre-Trial Conference”) in the above-captioned adversary proceeding (the “Adversary Proceeding”).¹ Counsel for Alfred H. Siegel, Trustee of the Circuit City Stores, Inc. Liquidating Trust (the “Trustee”) and counsel for the United States Trustee Program, Clifford J. White III, Director, John P. Fitzgerald, III, Acting United States Trustee for Region 4 (collectively, the “Defendants”) appeared at and participated in the Pre-Trial Conference. For the reasons stated on the record at the Pre-Trial Conference, the Court issued a *Scheduling Order* [ECF No. 41] (the “Scheduling Order”) on August 31, 2022.

Under the terms of this Court’s Scheduling Order, the “Defendants shall file their answer(s)

¹ On September 12, 2022, the Court issued an *Order Consolidating Adversary Proceedings* [ECF No. 44] (the “Consolidation Order”), consolidating this Adversary Proceeding with *Siegel v. Fitzgerald*, Adv. Pro. No. 19-03060-KRH.

no later than October 4, 2022.” The Scheduling Order also permitted the Defendants to file a motion to dismiss, “provided, however, that this [option] shall not supersede or otherwise affect” the Court’s requirement that the Defendants file an answer(s) on or before October 4, 2022.

The Defendants filed the *Defendants’ Motion to Dismiss and Memorandum in Support* [ECF No. 45] on October 4, 2022. As of the date hereof, the Defendants have neither filed an answer nor sought leave for an extension of time in which to do so. In consideration whereof, it is therefore

ORDERED that the Defendants, by counsel, shall appear before the Court on **Tuesday, November 15, 2022, at 10:00 a.m.** (the “Hearing”) and show cause why sanctions, including but not limited to the entry of default against the Defendants, should not be imposed for failing to abide by this Court’s Scheduling Order and timely comply with the deadlines established by this Court. The Hearing shall be conducted via Zoom for Government. Persons seeking to attend or participate in the Hearing must register through the following link:

<https://www.zoomgov.com/meeting/register/vJIsfuqqqT8iEzy2jQbIeZiIyhpRrLJ1J-k>

Persons who wish to attend, but not participate, at the Hearing may dial-in to the Court’s listen-only conference line:

Dial: 1-866-590-5055

Access Code: 4377075

Security Code: 111522

Dated: November 3, 2022

/s/ Kevin R. Huennekens
UNITED STATES BANKRUPTCY JUDGE

Entered on Docket: Nov 3 2022

Copies to:

Kathryn R. Montgomery
Office of the United States Trustee
701 East Broad Street, Ste. 4303
Richmond, VA 23219

Ramona D. Elliott
P. Matthew Sutko
Beth A. Levene
Department of Justice
Executive Office for United States Trustees
441 G Street, N.W., Suite 6150
Washington, DC 20530

Paula S. Beran
Tavener & Beran, PLC
20 North Eighth Street, Second Floor
Richmond, VA 23219

Lynn L. Tavenner
Tavener & Beran, PLC
20 North Eighth Street, Second Floor
Richmond, VA 23219

Richard. M. Pachulski
Andrew W. Caine
Jeffrey N. Pomerantz
Pachulski Stang Ziehl & Jones LLP
10100 Santa Monica Boulevard, 13th Floor
Los Angeles, California 90067-4100

Robert J. Feinstein
Pachulski Stang Ziehl & Jones LLP
780 Third Avenue, 34th Floor
New York, New York 10017

Daniel L. Geyser
Haynes and Boone, LLP
2323 Victory Avenue, Ste. 700
Dallas, Texas 75219